In the claims:

Please amend the claims as follows:

1. (Amended) A method for the recombination of nucleic acid constructs, comprising:

a) providing:

i) a first nucleic acid construct comprising, in operable order, an origin of replication, a first sequence-specific recombinase target site, and a nucleic acid of interest;

ii) a second nucleic acid construct comprising, in operable order, an origin of replication, a gene expression regulatory element and a second sequence-specific recombinase target site adjacent to and downstream from said gene expression regulatory element; and

iii) a site-specific recombinase;

b) contacting said first and said second nucleic acid constructs with said site-specific recombinase under conditions such that said first and second nucleic acid constructs are recombined to form a third nucleic acid construct, wherein said nucleic acid of interest is operably linked to said gene expression regulatory element.

2. (Amended) The method of Claim 1, wherein said gene expression regulatory element comprises a promoter element.

3. (Amended) The method of Claim 1, wherein said [regulatory element] nucleic acid of interest comprises a fusion peptide.

26. (Amended) A method for the cloning of nucleic acid libraries, comprising:

a) providing:

i) a plurality of first nucleic acid constructs comprising, in operable order, an origin of replication, a first sequence-specific recombinase target site, and a nucleic acid member from a nucleic acid library;

ii) a plurality of second nucleic acid constructs comprising, in operable order, an origin of replication, a gene expression regulatory element and a second sequence-specific recombinase target site adjacent to and downstream from said gene expression regulatory element; and

iii) a site-specific recombinase;

b) contacting said plurality of first and second nucleic acid constructs with said site-specific recombinase under conditions such that said plurality of first and second nucleic acid constructs are recombined to form a plurality of third nucleic acid constructs, wherein said nucleic acid members from said nucleic acid library are operably linked to said gene expression regulatory elements.

REMARKS

In the Office Action dated August 18, 1999, the Examiner rejected claims 1-10 and 26 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 16-19 of U.S. Patent No. 5,851,808 issued to Elledge.

Applicant respectfully submits herewith a terminal disclaimer under 37 C.F.R. §1.321 that is signed by an attorney of record and a check for the required fee. Applicant, therefore, respectfully